

Message Text

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PAGE 01 NEW DE 10461 071344Z

44-40

ACTION AEC-11

INFO OCT-01 EUR-25 NEA-10 IO-13 ISO-00 AECE-00 SSO-00

NSCE-00 USIE-00 INRE-00 SCI-06 ACDA-19 CIAE-00 INR-10

L-03 NSAE-00 NSC-10 RSC-01 SCEM-02 SS-15 PRS-01 DRC-01

DODE-00 OMB-01 TRSE-00 /129 W

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O 071300Z SEP 73

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 6647

INFO USMISSION IAEA VIENNA IMMEDIATE

AMEMBASSY BONN IMMEDIATE

USMISSION EC BRUSSELS IMMEDIATE

AMCONSUL BOMBAY IMMEDIATE

C O N F I D E N T I A L NEW DELHI 10461

E.O. 11652: GDS

TAGS: IAEA, TECH, ESTC

SUBJECT: INDIA'S UNAUTHORIZED TRANSFER TO WEST GERMANY OF NUCLEAR
MATERIAL SUPPLIED BY US UNDER AGREEMENT FOR COOPERATION

REF: (A) STATE 175888: (B) NEW DELHI 10458: (C) NEW DELHI 10459

1. BOMBAY'S REPORTS OF CONVERSATIONS WITH INDIAN AEC SECRETARY
SETHNA (REFS B AND C) PRESENT SOMEWHAT VARYING PICTURES OF
INDIAN POSITION. REF (A) HAS SETHNA POINT BLANK ACKNOWLEDGING
INDIANS WERE WRONG, AGREEING TO CORRECT SITUATION, AND ENSURE
IT WILL NOT RECUR. REF (B) IS A SUPERB EXAMPLE OF INDIAN

BUREAUCRACY AT WORK DEFENDING ITSELF, JUSTIFYING INDIAN
RATIONALE FOR WHAT WAS DONE, BUT EXPRESSING CONCERN LEST INDO-US
ATOMIC ENERGY RELATIONS BECOME IMMERSED IN ARGUMENT OVER
INTERPRETATION OF ARTICLE 7 OF COOPERATION AGREEMENT, SETHNA
IN HIS LATER CONVERSATION WITH CONSUL GENERAL BANE EXPRESSED
THIS CONCERN THAT GOI INSTITUTIONS IN NEW DELHI NOT BE
DRAWN INTO THE ISSUE.

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2. AS PRACTICAL MATTER, SETHNA IS APPARENTLY WORKING TO REGULARIZE THE PREVIOUS SHIPMENT AND TO AVIOD FUTURE CONTROVERSY OVER THE MEANING OF "TRANSFER OUTSIDE GOI JURISDICTION" AND AVIOD RAISING AN ISSUE OF PRINCIPLE IN NEW DELHI. THE WAY THE INDIAN GOVERNMENT ADMINISTRATION OPERATES, HAVING TAKEN A DECISION, IT CAN CHANGE IT BUT CANNOT ADMIT IT WAS A WRONG DECISION. WE AGREE WITH SETHNA THAT IF WE TAKE THIS MATTER UP AT THIS TIME WITH THE FOREIGN MINISTRY, IT COULD BECOME BOGGED DOWN IN BUREAUCRATIC AND POLITICAL CONTROVERSY AND THE GOI MAY DIG ITS HEELS IN ON ITS "RIGHT" TO HAVE TRANSFERRED THE URANIUM TO GERMANY DESPITE SETHNA'S WILLINGNESS TO MEET OUR CONCERNS AND WISH TO AVOID INTERRUPTION OF INDO-US ATOMIC ENERGY CHANNEL.

3. THE QUESTION IS WHETHER WE INSIST ON A FORMAL RECOGNITION OF OUR INTERPRETATION OF ARTICLE 7 (WHICH WE AGREE IS INFINITELY MORE PLAUSIBLE THAN THE GOI'S LABORED INTERPRETATION), OR ACCEPT AN INFORMAL ASSURANCE ON ACTUAL PRACTICE FROM SETHNA WHICH SIMPLY WILL NOT RAISE ISSUE OF MEANING OF ARTICLE 7 IF NECESSARY, CONGEN BOMBAY WILL GO BACK TO SETHNA AND ISSIST OUR UNDERSTANDING BE ACKNOWLEDGED BY SETHNA ON BEHALF OF THE AEC, PREFERABLY IN WRITING. WE WOULD AT THAT TIME TELL SETHNA IF HE IS UNABLE TO DO SO THE EMBASSY WILL TAKE THE QUESTION UP IN NEW DELHI.

5. REQUEST URGENT INSTRUCTIONS FROM DEPT. IN MEANTIME WE WILL NOT DISCUSS WITH MEA.
SCHNEIDER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 07 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: elyme
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973NEWDE10461
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS SCHNEIDER
Errors: N/A
Film Number: n/a
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730948/aaaabjao.tel
Line Count: 89
Locator: TEXT ON-LINE
Office: ACTION AEC
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) STATE 175888: (B) NEW DELHI 1045, 8: (C) NEW DELHI 10459
Review Action: RELEASED, APPROVED
Review Authority: elyme
Review Comment: n/a
Review Content Flags:
Review Date: 29 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29-Aug-2001 by martinml>; APPROVED <13-Sep-2001 by elyme>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INDIA'S UNAUTHORIZED TRANSFER TO WEST GERMANY OF NUCLEAR MATERIAL SUPPLIED BY US UNDER AGREEMENT FOR COOPERATION
TAGS: TECH, ESTC, IAEA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005